

HOUSE JOINT RESOLUTION 131

By Garrett

A RESOLUTION to address and establish the declared public policy of the State of Tennessee relative to the right of the citizens and those within the boundaries of this State to keep, bear, and wear arms.

WHEREAS, the citizens and inhabitants of the State of Tennessee have a right, which right pre-exists the formation of any state of this Union and which right exists independent of the laws or constitutions of any state of this Union or the United States itself, to keep and bear arms; to wear arms; to purchase, sell, and possess arms; to have arms for pleasure, hunting, and defense of the home both inside and outside; to practice with arms; to make arms; and to have and acquire all manner of ammunition and accessories suitable to the use, ownership, and practice of arms; and

WHEREAS, the Second Amendment of the United States Constitution provides that "[a] well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed"; and

WHEREAS, the United States Supreme Court held in *District of Columbia v. Heller*, 554 U.S. 570 (2008) that the right to "keep and bear arms" that is referenced in the Second Amendment, is a fundamental right of each individual, which right pre-exists the United States Constitution, which right exists entirely independent of the United States Constitution; and

WHEREAS, the United States Supreme Court held in *McDonald v. City of Chicago*, 561 U.S. 742 (2010) that the infringements on the right to keep and bear arms that are prohibited by the Second Amendment relative to the federal government apply pursuant to the Fourteenth Amendment against all state and local governments; and

WHEREAS, the United States Supreme Court held in *New York State Rifle & Pistol*

*Association v. Bruen*, 142 S.Ct. 2111 (2022) that the possession of arms in public was a constitutionally protected right under the Second Amendment; and

WHEREAS, the United States Constitution provides in the Tenth Amendment that "[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, the State of Tennessee finds and hereby declares that the United States Constitution does not expressly delegate to the United States government any power or authority to regulate in any manner the rights that are within the full breadth and scope of the protections of the Second Amendment, which prohibit all infringements on the rights of the people to keep and bear arms; and

WHEREAS, the State of Tennessee finds and hereby declares that the actions of the United States government that have or may hereafter in any way infringe the rights of the people, individually or collectively, to keep and bear arms are acts that exceed the United States' constitutionally delegated authority; and

WHEREAS, one or more sister states have demonstrated a willingness to and have on numerous occasions infringed the fundamental rights of individuals within those states, including residents of Tennessee who may from time to time travel in those states, to keep and bear arms; and

WHEREAS, one or more sister states and the United States government may assert that the State of Tennessee is compelled under the Full Faith and Credit requirements of the United States Constitution to honor or enforce the laws of such sister states to the extent that such laws purport to have any impact on those within the boundaries of the State of Tennessee; and

WHEREAS, each member of the General Assembly has taken an oath pursuant to the Constitution of Tennessee, Article X, Section 2 to "to support the Constitution of this State, and of

the United States ... and that I will not propose or assent to any bill, vote or resolution, which shall appear to me injurious to the people, or consent to any act or thing, whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the Constitution of this State"; and

WHEREAS, if the federal government has or hereafter does engage in conduct that may or clearly does infringe the fundamental rights of those within the boundaries of the State of Tennessee, it is only fitting and proper that the very existence, as well as the depth and breadth, of this federal power be condemned and challenged not just in a court of law, but also through actions of the General Assembly to nullify such federal overreach; and

WHEREAS, if any sister state has or hereafter does engage in conduct that may or clearly does infringe the fundamental rights of those within the boundaries of the State of Tennessee, it is only fitting and proper that the very existence, as well as the depth and breadth, of such conduct be condemned and challenged not just in a court of law, but also through actions of the General Assembly to nullify such overreach to the extent any state or the federal government asserts that such conduct by a sister state is entitled to Full Faith and Credit or other legal effect in the State of Tennessee; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED THIRTEENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that the State of Tennessee condemns any attempt by the federal government to infringe the rights of the citizens and inhabitants of the State of Tennessee as such rights are recognized and protected by the Second Amendment.

BE IT FURTHER RESOLVED, that the State of Tennessee condemns any attempt by any sister state or the federal government to assert the application of the Full Faith and Credit clause to seek to enforce actions undertaken by sister states, individually or collectively, that would or might infringe the rights as protected by the Second Amendment of the citizens and

inhabitants of this State.

BE IT FURTHER RESOLVED, that it is hereby declared to be the public policy of the State of Tennessee that no action or omission of a sister state, whether such action be by law, regulation, executive order or otherwise, which may or would in any way negate, impair, impact, infringe, or in any way lessen the fundamental rights of the people to keep, bear, or wear arms; to purchase, own, or possess arms or ammunition; or to acquire arms or ammunition in trade or commerce, which rights do and have been declared to pre-exist and exist independent of any state or federal constitution in this nation, shall not have any force or effect in the State of Tennessee and that all such acts or omissions are hereby declared to violate the public policy of this State.